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## BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONER

IN THE MATTER OF THE APPLICATION OF  
JOHNSON UTILITIES, LLC, DOING  
BUSINESS AS JOHNSON UTILITIES  
COMPANY, FOR APPROVAL OF SALE AND  
TRANSFER OF ASSETS AND  
CONDITIONAL CANCELLATION OF ITS  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY.

Docket No. WS-02987A-13-0477

**RUCO'S RESPONSE IN FAVOR OF APPLICATION TO INTERVENE FILED BY KAREN  
CHRISTIAN, TODD HUBBARD, ALDEN WEIGHT AND STEVE PRATT**

The Residential Utility Consumer Office ("RUCO") supports the Application to Intervene ("Application") filed by Karen Christian, Todd Hubbard, Alden Weight and Steve Pratt. RUCO has read the Application filed by the prospective interveners and the response filed by the Company.

AAC R14-3-105(A) states that persons "who are directly and substantially affected by the proceedings..." shall file an application for leave to intervene in order to participate in the proceedings. There is no party more affected by the proceeding both before and after the sale than the individual ratepayer. Their interest, if anything, is superior, not subordinate to the other parties who will not live daily with the repercussions of the outcome of the proceedings. To deny

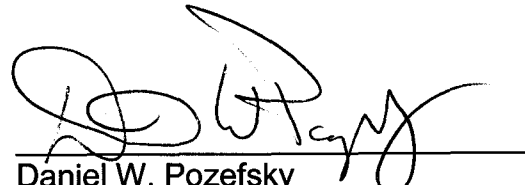
1 their interest to participate, assuming their interest is genuine, would not only be unfair but  
2 would call into question the validity of the Commission's process.

3 RUCO agrees with the Company on many points it raises in its response concerning the  
4 scope of the proceedings. But it is not the Company, it is the Judge that determines the  
5 relevancy of the arguments and the evidence put forward. The concerns raised in the  
6 Application of who will become customers of the Town after the sale, the rates, the jurisdiction  
7 they will be under are fair questions. These same issues are pretty much the basis of the Direct  
8 Testimony of Daniel Hodges filed in support of the Application. For example, starting on page  
9 10 of Mr. Hodges testimony, he discusses "Rates and Circumstances" and spends 4 pages on  
10 it. The interveners in dark print in their application specifically state they are concerned about  
11 future water-service rates. Now the Company, in its opposition seems to be saying that many if  
12 not all of these issue are outside the scope of the proceeding. The Company has put them in  
13 issue and these ratepayers have a legitimate and sincere interest in the proceeding.

14 The Company seeks to deny the Application on grounds that it is procedurally deficient.  
15 These ratepayers are not lawyers and should be given some latitude procedurally. Obviously,  
16 the Company received notice so the Company cannot complain it was prejudiced in any way.  
17 Furthermore, it has been brought to RUCO's attention that the Company's publication notice is  
18 procedurally defective. The Company identified the wrong docket number to address  
19 comments to the Commission and at least one ratepayer has had his/her comment rejected by  
20 the Commission when he/she tried to file it. See Exhibit A. Should the Commission dismiss the  
21 Application because of the notice defect – RUCO is not advocating it but is the Company? The  
22 old expression - those who live in glass houses, should not throw stones seems applicable  
23 here.

1 In conclusion, RUCO urges the Commission to grant the application of the ratepayer's  
2 named above.

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4 RESPECTFULLY SUBMITTED this 16th day of April, 2014

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Daniel W. Pozefsky  
Chief Counsel

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11 AN ORIGINAL AND THIRTEEN COPIES  
12 of the foregoing filed this 16th day  
13 of April, 2014 with:

14 Docket Control  
15 Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

16 COPIES of the foregoing hand delivered/  
17 mailed this 16th day of April, 2014 to:

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11 By Cheryl Fraulob  
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## EXHIBIT A

**From:**

**Sent:** Monday, April 07, 2014 12:40 PM

**To:** Dan Pozefsky

**Subject:** Our Public Notice

This was ours! Note circled area bottom of p1. A "snowbird" called me upset as he tried to file a comment on ACC website and it wouldn't take it. After an hour, he discovered typo of case number in that paragraph! Since that's the paragraph where they advise folks what to do to file comment to docket, I wonder how many others have experienced same.? I would hope this would be pointed out to ACC AJL?! Please darken my name if you use it. Sorry, had to take pic as my scanner isn't working. But when comparing it to last page of Daniel Hodges testimony file by Mr Crockett...several things were left out.

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**PUBLIC NOTICE OF HEARING ON THE APPLICATION OF JOHNSON UTILITIES, LLC DOING BUSINESS AS JOHNSON UTILITIES COMPANY, FOR APPROVAL OF SALE AND TRANSFER OF ASSETS AND CONDITIONAL CANCELLATION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY**  
**DOCKET NO. WS-02987A-13-0477**

**Summary**

On December 31, 2013, Johnson Utilities, LLC, dba Johnson Utilities Company ("Johnson Utilities" or "Company") filed with the Arizona Corporation Commission ("Commission") an application requesting Commission approval of the sale and transfer of all the Company's utility assets and operations in Pinal County, Arizona, in the Town of Florence, an Arizona municipality, and the cancellation and extinguishment of its Certificates of Convenience and Necessity.

If the application is granted, Johnson Utilities will no longer be required to provide water and wastewater utility service to the public under rates and charges and terms and conditions approved by the Commission.

If the application is granted, the Town of Florence will become the provider of water and wastewater utility service to current customers of Johnson Utilities who are citizens of the Town of Florence, and also to customers who are not citizens of the Town of Florence, but who are located in the current Johnson Utilities service territory that is located outside the Town of Florence.

**How You Can View or Obtain a Copy of the Application**

Copies of the application are available from Johnson Utilities during normal business hours at the Company's business office at 968 E. Hunt Highway, San Tan Valley, Arizona 85143 and at and at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours, and on the Internet via the Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the e-Docket function.

**Arizona Corporation Commission Public Hearing Information**

The Commission will hold a hearing on this matter commencing on **May 19, 2014, at 10:00 a.m.** at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona, Hearing Room No. 1. Public Comments will be taken on the first day of the hearing.

Written public comments may be submitted by mailing a letter referencing Docket No. WS-02787A-13-0477 to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, Arizona 85007, or by submitting comments on the Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the "Submit a Comment on an Issue" button. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000.

#### **About Intervention**

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Anyone who wishes to intervene must file an original and 13 copies of a written motion to intervene with the Commission no later than **April 15, 2014**, and send a copy of the motion to Johnson Utilities or its counsel and to all parties of record. Your motion to intervene must contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different from that of the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Company, a member or shareholder of the Company, etc.), and
3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.
4. If you are not represented by an attorney who is an active member of the Arizona State Bar, and are not representing yourself as an individual, information and any appropriate documentation demonstrating compliance with Arizona Supreme Court Rules 31, 38, and 42, as applicable.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **April 15, 2014**. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case. For information about requesting intervention, visit the Commission's website at <http://www.azcc.gov/division/utilities/forms/interven.pdf>.

#### **ADA/Equal Access Information**

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal, E-mail [SAbernal@azcc.gov](mailto:SAbernal@azcc.gov), voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.